

Patent
Atty. Dkt. LYNN/0151

REMARKS

Claims 17-19, 21-30 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Calcaterra et al., US 4,810,567. Calcaterra discloses an antimicrobial fabric that results from graft copolymerization of a functionalized vinyl monomer onto a base fabric followed by a reaction of the functional group with another functional group of an antimicrobial reagent with the formation of a covalent bond. (Calcaterra, Abstract). Calcaterra discloses that the antimicrobial reagents are antibiotics such as, *inter alia*, polymyxins, bacitracin, circulin, and the octapeptins. (Calcaterra, col. 9, ln. 63-68). Calcaterra goes on to disclose that to the extent that the cited hypothesis is inadequate, other antimicrobial agents include, *inter alia*, the polyene macrolide antibiotics, neomycin, and streptomycin. (Calcaterra, col. 10, ln. 1-4). Calcaterra then disclosed additional sources of listings of antibiotics. *Id.*

Applicant claims a fabric produced by a method that grafts a disinfectant onto the fabric. (Claim 1). Applicant also claims a fabric that attaches a carboxylic acid onto the fabric that is then oxidized to turn the carboxylic acid into a regenerable percarboxylic acid for protection against chemicals. (Claim 34). The percarboxylic acid is regenerable by contacting the fabric with a mineral acid and hydrogen peroxide.

Antibiotics are defined as a chemical substance, produced by microorganisms and synthetically, that has the capacity in dilute solutions to inhibit the growth of a susceptible microorganism. McGraw-Hill Dictionary of Scientific and Technical Terms, 6th Ed., 2003. Disinfectants are defined as a chemical agent that destroys microorganisms, but not bacterial spores. *Id.*

Calcaterra focuses the antimicrobial agents upon antibiotics, which are chemicals that are normally ingested to cure an infection or other illness caused by microorganisms, such as bacteria. Disinfectants, on the other hand, are usually much stronger and are used as cleaning chemicals.

Calcaterra does not disclose disinfectants bonded to a fabric, listing only antibiotics as the

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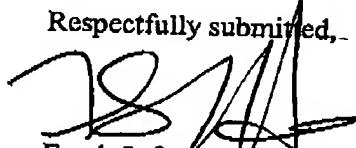
active antimicrobial agent bonded to the fabric. Furthermore, Calcaterra does not disclose, as Applicant claims, that a carboxylic acid, which is not antimicrobial in nature, may be bonded to the fabric and then converted to a regenerable percarboxylic acid.

As is well known, to provide a *prima facie* case of obviousness or anticipation, the cited prior art must teach or disclose each and every limitation claimed by the Applicant. Calcaterra does not disclose bonding a disinfectant to the fabric as claimed by Applicant in amended claim 1 and in new claim 34, specifically as a regenerable dipercarboxylic acid. Furthermore, Calcaterra does not disclose that the bonded dipercarboxylic acids may be regenerated to renew the disinfectant or chemical protective properties of the fabric.

Since Calcaterra does not disclose each and every limitation claimed by Applicant, Applicant respectfully asserts that a *prima facie* case of obviousness has not been presented. Reconsideration and withdrawal of the rejection is respectfully requested.

In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/LYNN/0151 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,



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